

Joshua Koltun (Bar No. 173040)  
Attorney  
101 California Street  
Suite 2450, No. 500  
San Francisco, California 94111  
Telephone: 415.680.3410  
Facsimile: 866.462.5959  
joshua@koltunattorney.com

Attorney for purported "Related Third Party"  
and/or Defendant Daniel Mathews

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

BANK JULIUS BAER & CO. LTD, a Swiss	)	Case No.: CV08-0824 JSW
Entity; and JULIUS BAER BANK AND	)	
TRUST CO. LTD, a Cayman Islands entity,	)	DECLARATION OF NICOLE FRITZ
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
WIKILEAKS, an entity of unknown form,	)	
WIKILINKS.ORG, an entity of unknown	)	
form; DYNADOT, LLC, a CALIFORNIA	)	
limited liability corporation, and DOES 1	)	
through 10, inclusive,	)	
	)	
Defendants.	)	
	)	
	)	
	)	
	)	

I, Nicole Fritz, declare as follows:

1. I am the Executive Director of the Southern Africa Litigation Center (SALC).  
SALC provides support, both technical and financial, to human rights and public interest initiatives  
undertaken by domestic lawyers within the southern Africa region. Although SALC aims primarily to

1 provide support on a specific case-by-case basis, its objectives also include the provision of human  
2 rights law training to human rights and civil society actors within the region. I have personal  
3 knowledge of the following facts, except where I refer to an experience of another person, and in that  
4 case I have personal knowledge of the chilling impact of that and other experiences on myself and  
5 other workers within the human rights community in Southern Africa.

6  
7 2. In many places in southern Africa – notably Zimbabwe, Angola and the  
8 Democratic Republic of Congo – individuals who seek to identify and publish human right violations  
9 or government wrongdoing run the risk of severe reprisals, including incarceration, assault and torture.  
10 In early 2007, Sarah Wykes, of the anti-corruption group Global Witness was held in detention in  
11 Angola for several weeks on charges of espionage. In reality she had simply met with several local  
12 groups in Angola's oil-rich Cabinda province in order to discuss revenue transparency relating to oil-  
13 production.

14 3. Information, particularly as it relates to economic transparency, and indeed,  
15 even basic government functioning, is especially difficult to obtain in contexts where free media is  
16 continuously targeted – whether by obviously unlawful means such as firebombing of press offices, as  
17 has happened in Zimbabwe, or the physical assault of journalists by a government minister, as  
18 happened recently in the DRC, or nominally under the colour of law by deploying draconian  
19 legislation like criminal defamation laws (in existence in most jurisdictions in southern Africa). In  
20 many of the countries, legislation is antiquated and outdated, with no inclusion of or recognition for  
21 the importance of modern freedom of information statutes. This absence is compounded by the fact  
22 that court systems are notoriously slow, court-ordered discovery is rare and long in coming and, most  
23 damningly, that court orders are routinely ignored by governments like Zimbabwe's.

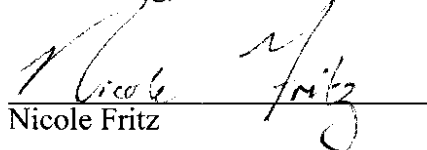
24 4. Given the risks entailed, human rights monitors and analysts experience great  
25 difficulty in gathering information and in corroborating and analyzing such information. Experience in  
26 Zimbabwe makes this vividly clear: In attempting to document systematically the violations that have  
27 occurred over the past year in Zimbabwe, SALC communicates with its partners in Zimbabwe by use  
28

1 of encrypted e-mail services, such as hush-mail, and avoids any communication via media, such as  
2 telephones and ordinary e-mail, that we suspect are intercepted and monitored. In the wake of the  
3 assaults and torture of democracy and civil society activists that took place in March 2007, lawyers  
4 Alec Muchadahama and Andrew Makoni, acting for the victims, were themselves threatened with  
5 violence and held in custody without charge, in order, it would appear, to deter them from publicising  
6 the violations suffered by their clients.

7  
8 5. In these circumstances, there is a definable need for some sort of mechanism  
9 which allows for the anonymous transmission and dissemination of information relating to human  
0 rights violations and government wrong-doing. It can only be imagined how such mechanism, if  
1 widely publicised within southern Africa, might facilitate the transmission of crucial insider-  
2 knowledge. For instance, there exist credible reports that a number of individuals within Zimbabwe's  
3 law-enforcement and justice structures are disturbed at the orders they receive and the violence and  
4 violation that is expected of them in the performance of their duties. A mechanism like Wikileaks  
5 would enable them to shed much needed light on command structures, on the type of orders they  
6 receive, without fear that they would lose their jobs (particularly acute given Zimbabwe's current  
7 economic outlook) or face reprisal.

8  
9 I declare under penalty of perjury under the laws of the State of California and the  
0 United States of America that the foregoing is true and correct.

1 Executed on February 28 at Johannesburg, South Africa.

2  
3   
Nicole Fritz